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| 10/516,758 | 12/03/2004 | Jens Ulrik Pedersen | 071308.1030 (2004P11374WO) | 6749 |
| 31625 | 7590 | 01/13/2009 | EXAMINER | |
| BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039 | | | NGUYEN, KHAI MINH | |
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| | | | 2617 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/516,758 | Applicant(s) PEDERSEN, JENS ULRIK | |
| | Examiner KHAI M. NGUYEN | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 15-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheha et al. (U.S.Pub-20030016804) in view of Hiller et al. (U.S.Pub-20040203907) and further in view of Cuny et al. (U.S.Pub-20050141541).

Regarding claim 15, Sheha teaches a method for receiving location information, the method comprising:

receiving a message at a first Push-to-Talk over Cellular (PoC) (not show) terminal device indicating that a user of a second (PoC) (not show) terminal device (abstract, [0020]) has pressed a talk button (PoC) (not show), the message including a geographical location of the second terminal device (abstract, [0022]); and

indicating the geographical location of the second (PoC) (not show) terminal device to a user of the first (PoC) (not show) terminal device (abstract, [0022]).

Sheha fails to specifically disclose pressed a talk button.

However, Hiller teaches pressed a talk button ([0027]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Hiller to Sheha to be advantageous to subscribers because registered users within the group or fleet that are not in the desired audience group due to geographic location will not be bothered with listening to communications that are not relevant to them.

Sheha and Hiller fail to specifically disclose wherein the message is a Push-to-Talk over Cellular.

However, Cuny teaches wherein the message is a Push-to-Talk over Cellular ([0004] and [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha and Hiller to reduce end-to-end delays during the conversation.

Regarding claim 16, Sheha, Hiller, and Cuny further teach a method for receiving location information as claimed 15, further comprising at least one of:

indicating a direction of the first (PoC) terminal device (see Cuny, [0004] and [0046]) from the geographical location of the second (PoC) (see Cuny, [0004] and [0046]) terminal device (see Sheha, abstract, [0022]);

indicating a distance of the first (PoC) (see Cuny, [0004] and [0046]) terminal device from the second (PoC) (see Cuny, [0004] and [0046]) terminal device (see Sheha, [0015]);

indicating a geographical location of the first (PoC) (see Cuny, [0004] and [0046]) terminal device on a map together with the geographical location of the second (PoC) (see Cuny, [0004] and [0046]) terminal device (see Sheha, abstract, [0014]); and

indicating coordinates of both the first (PoC) (see Cuny, [0004] and [0046]) terminal device and the second (PoC) (see Cuny, [0004] and [0046]) terminal device (see Sheha, abstract, [0014]).

Regarding claim 17, Sheha, Hiller, and Cuny further teach a method for receiving location information as claimed in claim 15, wherein the message is a Push-to-Talk over Cellular message (see Cuny, [0004] and [0046]).

Regarding claim 18, Sheha, Hiller, and Cuny further teach a method for receiving location information as claimed in claim 17, wherein the Push-to-Talk over Cellular message is one of a REFER message, a Floor taken message (see Cuny, [0084]).

Regarding claim 19, Sheha teaches a method for transmitting location information, the method comprising:

writing information into a message (not show), in response to a user of a first (PoC) (not show) terminal device (abstract, [0020]) pressing a (PoC) (not show) talk button (not specifically disclose), the information indicating the user pressed the (PoC)

(not show) talk button (not specifically disclose) and describing a geographical location of the first (PoC) (not show) terminal device (abstract, [0022]); and

transmitting the message to one of a second (PoC) (not show) terminal device (abstract, [0022]) and a communications network (abstract, [0022]-[0023], [0025]).

Sheha fails to specifically disclose writing information into a message, pressing a talk button, and the information indicating the user pressed the talk button.

However, Hiller teaches writing information into a message ([0017]), pressing a talk button ([0027]), and the information indicating the user pressed the talk button ([0017]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Hiller to Sheha to be advantageous to subscribers because registered users within the group or fleet that are not in the desired audience group due to geographic location will not be bothered with listening to communications that are not relevant to them.

Sheha and Hiller fail to specifically disclose wherein the message is a Push-to-Talk over Cellular.

However, Cuny teaches wherein the message is a Push-to-Talk over Cellular ([0004] and [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha and Hiller to reduce end-to-end delays during the conversation.

Regarding claim 20, Sheha, Hiller, and Cuny further teach a method for transmitting location information as claimed in claim 19, wherein the information describing the geographical location of the first (PoC) (see Cuny, [0004] and [0046]) terminal device is written into the message only if a parameter controllable by the user of the first (PoC) (see Cuny, [0004] and [0046]) terminal device shows that the geographical location may be indicated (see Hiller, [0017], see Sheha, abstract, [0022])

Regarding claim 21, Sheha, Hiller, and Cuny further teach a method for transmitting location information as claimed in claim 19, wherein the information describing the geographical location of the first (PoC) (see Cuny, [0004] and [0046]) terminal device is written into the message only if a parameter controllable by the user of the first (PoC) (see Cuny, [0004] and [0046]) terminal device shows that the geographical location may be indicated to another (PoC) (see Cuny, [0004] and [0046]) terminal device to which the message is to be sent (see Hiller, col.1, lines 53-63, see Sheha, abstract, [0022]).

Regarding claim 22 is rejected with the same reasons set forth in claim 17.

Regarding claim 23 is rejected with the same reasons set forth in claim 18.

Regarding claim 24, Sheha teaches a (PoC) terminal device, comprising:

a receiver, the receiver receiving a message indicating that a user of a further (PoC) (not show) terminal device (abstract, [0020]) has pressed a (PoC) (not show) talk button (not show), the message including a geographical location of the further (PoC) (not show) terminal device (abstract, [0022]); and

an indicator, the indicator for indicating the geographical location of the further (PoC) (not show) terminal device to a user of the (PoC) (not show) terminal device (abstract, [0022]).

Sheha fails to specifically disclose pressed a talk button.

However, Hiller teaches pressed a talk button ([0027]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Hiller to Sheha to be advantageous to subscribers because registered users within the group or fleet that are not in the desired audience group due to geographic location will not be bothered with listening to communications that are not relevant to them.

Sheha and Hiller fail to specifically disclose wherein the message is a Push-to-Talk over Cellular.

However, Cuny teaches wherein the message is a Push-to-Talk over Cellular ([0004] and [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha and Hiller to reduce end-to-end delays during the conversation.

Regarding claim 25 is rejected with the same reasons set forth in claim 16.

Regarding claim 26 is rejected with the same reasons set forth in claim 17.

Regarding claim 27 is rejected with the same reasons set forth in claim 18.

Regarding claim 28, Sheha teaches a (PoC) terminal device, comprising:

a message generator, the message generator writing information into a message (not show), responsive to a user of the (PoC) (not show) terminal device (abstract, [0020]) pressing a (PoC) (not show) talk button (not specifically disclose), the information indicating the user pressed the (PoC) (not show) talk button (not specifically disclose) and describing a geographical location of the (PoC) (not show) terminal device (abstract, [0022]); and

a transmitter, the transmitter transmitting the message to one of a further (PoC) (not show) terminal device (abstract, [0022]) and a communications network (abstract, [0022]-[0023], [0025]).

Sheha fails to specifically disclose the message generator writing information into a message, pressing a talk button, and the information indicating the user pressed the talk button.

However, Hiller teaches the message generator writing information into a message ([0017]), pressing a talk button ([0027]), and the information indicating the user pressed the talk button ([0017]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Hiller to Sheha to be advantageous to subscribers because registered users within the group or fleet that are not in the desired audience group due to geographic location will not be bothered with listening to communications that are not relevant to them.

Sheha and Hiller fail to specifically disclose wherein the message is a Push-to-Talk over Cellular.

However, Cuny teaches wherein the message is a Push-to-Talk over Cellular ([0004] and [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha and Hiller to reduce end-to-end delays during the conversation.

Regarding claim 29 is rejected with the same reasons set forth in claim 20.

Regarding claim 30 is rejected with the same reasons set forth in claim 21.

Regarding claim 31 is rejected with the same reasons set forth in claim 17.

Regarding claim 32 is rejected with the same reasons set forth in claim 18.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Khai M Nguyen/
Examiner, Art Unit 2617

1/10/2009